

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

KIMBERLY-CLARK WORLDWIDE, INC. et al.

Plaintiffs,

v.

Case No. 09-C-429

TYCO HEALTHCARE GROUP, LP., et al.

Defendants.

SCHEDULING ORDER

The Court held a scheduling conference with the parties' attorneys on September 3, 2009, pursuant to Fed. R. Civ. P. 16 and Civil L.R. 16.1 (E.D. Wis.). The conference was supplemented by the September 11, 2009 letter from counsel indicating areas of agreement in response to the Court's further inquiry. Based upon the foregoing, the Court hereby enters the following schedule:

1. On or before August 24, 2009, the parties shall make their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1).
2. Amendment of Pleadings and joinder of parties without leave of the Court shall be completed on or before October 15, 2009.
3. On or before October 29, 2009, the plaintiff shall identify in writing those claims alleged to have been infringed.
4. Discovery concerning claim construction shall close on November 1, 2009.
5. On or before December 1, 2009, the parties shall file their Joint Claim Construction Statement. The statement will identify the claim terms in dispute, without providing any proposed construction of those terms. The statement will also suggest a joint construction, as necessary, for any remaining terms that appear to require construction.

6. On or before December 17, 2009, the parties shall simultaneously file opening *Markman* briefs.
7. *Markman* response briefs shall be filed on or before January 14, 2010.
8. A *Markman* hearing will be held on Friday, January 22, 2010, commencing at 9:30 a.m.
9. All fact discovery will close on April 1, 2010.
10. Expert reports for issues on which a party bears the burden of proof must be filed on or before April 15, 2010.
11. Rebuttal expert reports shall be filed on or before May 13, 2010.
12. Expert discovery will close on June 3, 2010.
13. Dispositive motions must be filed on or before June 17, 2010.
14. Dispositive motion responsive brief deadline shall be July 8, 2010.
15. Dispositive motion reply brief deadline is July 22, 2010.
16. A final pre-trial conference will be held on September 15, 2010 at 10:30 a.m.
17. Trial in this matter shall commence on October 4, 2010.
18. The parties shall consult and comply with the Local Rules of this District concerning all other procedural matters, except as otherwise ordered by the Court.

Dated this 15th day of September, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge